

Aug 15 2000 09:55a

Att. to Kimmel

273 681 9188

214 P01 AUG 15 '00 11:00 p. 1

[Inv. #105]

DECLARATION FOR PATENT APPLICATION

Docket: B18068P

As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name.

I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ELECTROMAGNETIC RADIATION EMITTING TOOTHPRINT AND DENTIFRICE SYSTEM.

(check one) is attached hereto
 was filed on

as US Application Serial Number or PCT International Application Number
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §386(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)

_____ (Country)

_____ (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

60/030,343

20 June 1997

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365C of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which becomes available between the filing date of the prior application and the national or PCT International filing date of this application.

PCTA18068/12838

(Application Number)

(Filing Date)

Pending

(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

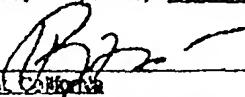
Donald E. Stout, Reg. No. 34,493; Frank J. Uxa, Reg. No. 25,612; Robert D. Buuren, Reg. No. 32,490;
Kenton R. Mullins, Reg. No. 38,321; Phillip H. Haymond, Reg. No. 38,177; Guy L. Cumberland, Reg. No. 38,114;
Jacqueline M. Yashber, Reg. No. 42,243

Address all telephone calls to
Address all correspondence to

Kenton R. Mullins at telephone number (949) 450-1750; facsimile number (949) 450-1754
Kenton R. Mullins
Stout, Uxa, Buuren & Mullins, LLP
4 Venture, Suite 300
Irvine, CA 92618

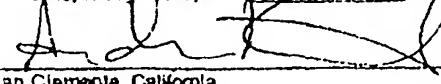
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Jacqueline M. Yashber


Inventor's signature
Residence
Post Office Address
Dana Point, California
19 New York Court 42624

June 16, 2000
Date: December 20, 1999
Citizenship BOUS

Full name of second inventor (given name, family name): Andrew L. Kimmel


Inventor's signature
Residence
Post Office Address
San Clemente, California
138 Pacific Highway
1338 Awana 92673

August 15, 2000
Date: December 20, 1999
Citizenship U.S.A.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

NOVEMBER 15, 2000

PTAS

STOUT, UXA, BUYAN & MULLINS, LLP
KENTON R. MULLINS
4 VENTURE, SUITE 300
IRVINE, CA 92618



101474316A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/29/2000

REEL/FRAME: 011101/0256
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

RIZOIU, IOANA M.

DOC DATE: 08/14/2000

ASSIGNEE:

KIMMEL, ANDREW I.

DOC DATE: 08/14/2000

ASSIGNEE:

BIO LASER TECHNOLOGY, INC.
981 CALLE AMANECER
CLEMENTE, CALIFORNIA 92673

SERIAL NUMBER: 09445947

FILING DATE: 08/29/2000
ISSUE DATE:

PATENT NUMBER:

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

REC

09-27-2000

med 8/29/00

To the Honorable Commissioner:

100
ET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

AID 09/445947

Attached original documents or copy thereof.

1. Name of conveying party(ies):

Ioana M. Rizoiu, Andrew I. Kimmel

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other: _____

Execution Date: August 14, 2000

2. Name and address of receiving party(ies):

Name: BioLase Technology, Inc.

Internal Address:

Street Address: 981 Calle Amanecer
San Clemente, CA 92673

09/445947

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s): 09/445,947

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

B. Patent No. (s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kenton R. Mullins

Internal Address:

Street Address:

Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300
Irvine, CA 92618

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$ 40

- Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: 13-5135

(Attach duplicate copy of this page if paying by deposit account)

09/07/2000 AGIZAW 00000002 09445947

01 FC:581

40.00 (P)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kenton R. Mullins
Name of Person Signing

Signature

8/22/00
Date

3

Total number of pages including cover sheet, attachments and document:

BI-9068

WHEN RECORDED, RETURN TO:

Kenton R. Mullins
4 Venture, Suite 300
Irvine, CA 92618

ASSIGNMENT

WHEREAS, we, IOANNA M. RIZOIU of the County of Orange, State of California, and ANDREW I. KIMMEL of the County of Orange, State of California, have invented certain new and useful improvements in or for an ELECTROMAGNETIC RADIATION EMITTING TOOTHBRUSH AND DENTIFRICE SYSTEM for which the said IOANNA M. RIZOIU has this ~~29th~~^{August 2003} day of December, 1999, executed application papers for United States Letters Patent thereon, for which the said ANDREW I. KIMMEL has this ~~26th~~^{August 2003} day of December, 1999, executed application papers for United States Letters Patent thereon; and

WHEREAS, BIOLASE TECHNOLOGY, INC., a Corporation of the State of California, hereinafter called Assignee, having its place of business at 981 Calle Amanecer, San Clemente, California 92673, is desirous of acquiring the entire right, title and interest in and to the aforesaid invention and in and to any and all Letters Patent therefor granted in the United States of America, and in any and all countries foreign thereto;

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of ONE DOLLAR (\$1.00) to us in hand paid by Assignee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, JOANNA M. RIZOIU, and ANDREW I. KIMMEL, by these presents sell, assign and transfer unto Assignee, its successors and assigns, the full and exclusive right, title and interest for the territory of the United States of America and all countries foreign thereto (including the right to apply for Letters Patent in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties, or otherwise), in and to the said invention as described in said application, and in and to all Letters Patent granted therefor, and all divisions, reissues and continuations thereof, and we hereby authorize and request the Commissioner of Patents and Trademarks to issue all Letters Patent on said inventions or resulting therefrom to said Assignee, as assignee of the entire right, title and interest, and we covenant that we have full right so to do and agree that we will communicate to said Assignee, or its successors any and all facts known to us regarding said invention whenever requested, sign all lawful papers, and

generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce proper patent protection for said invention in all countries.

Executed this 14 day of August, 2000, 1998



IOANNA M. RIZOIU

STATE OF CALIFORNIA /

COUNTY OF /

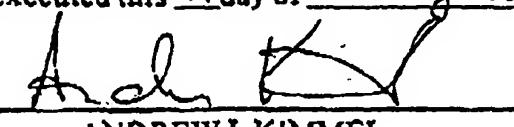
On _____ before me _____,
notary public, personally appeared IOANNA M. RIZOIU, personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature _____

SEAL

Executed this 14 day of August, 1994, 2000



ANDREW I. KIMMEL

STATE OF CALIFORNIA

/

COUNTY OF ORANGE

/

On _____, before me _____, notary public, personally appeared ANDREW I. KIMMEL, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature _____

SEAL

Applicant or Patentee: RIZOIU ET AL.

Docket No.: BI-9068

Serial or Patent No.:

Filed or Issued: Herewith

Title: ELECTROMAGNETIC RADIATION EMITTING TOOTHBRUSH AND DENTIFRICE SYSTEM

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(e))—SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Biolase Technology, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 981 Calle Amanecer
San Clemente, CA 92673

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: ELECTROMAGNETIC RADIATION EMITTING TOOTHBRUSH AND DENTIFRICE SYSTEM

by inventor(s): Ioanna M. Rizou and Andrew I. Kimmel

described in

the specification filed herewith

application serial _____ filed _____

patent no. _____ issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME

ADDRESS

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME

ADDRESS

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

IR
IOANNA M. RIZOIU

TITLE OF PERSON IF OTHER THAN OWNER

Vice President

ADDRESS OF PERSON SIGNING

981 Calle Amanecer, San Clemente, CA 92673

SIGNATURE

DATE

June 16, 2000

Applicant or Patentee : RIZOIU, IOANNA M.
Serial or Patent No.:
Filed or Issued:

Docket N .BI-9068

Title: ELECTROMAGNETIC RADIATION EMITTING TOOTHBRUSH AND DENTIFRICE SYSTEM
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled HOIST RING RETENTION MEMBER described in

the specification filed herewith
 application serial no. _____, filed _____
 patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization
 persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

FULL NAME **BIOLASE TECHNOLOGY, INC.**
ADDRESS 981 Calle Amanecer
San Clemente, CA 92673

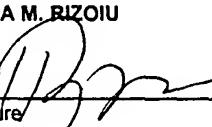
INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR:

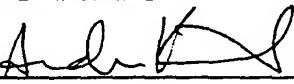
IOANNA M. RIZOIU


Signature

June 16, 2000
Date

NAME OF INVENTOR:

ANDREW I. KIMMEL


Signature
June 16, 2000
Date